

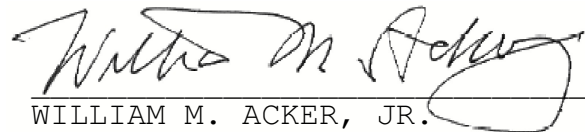
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOYCE SMIDT, et al.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	11-AR-4040-S
	}	
TACALA, LLC, et al.,	}	
	}	
Defendants.	}	

MEMORANDUM OPINION

The court has for consideration a motion to dismiss filed on January 19, 2012, by Tacala, LLC, and David Thomas Roeding, defendants in the above-entitled cause. Plaintiffs, Joyce Smidt and Jonathan Smidt, have seemingly pled themselves out of court, invoking jurisdiction pursuant to 28 U.S.C. § 1332(a), claiming diversity of citizenship that their claim is for more than \$75,000. The complaint itself is contradictory. It alleges that plaintiffs are residents of the State of Alabama, and that defendant, Tacala, LLC, is a resident of the State of Alabama. The address employed by plaintiffs on their certified mail of the summons reflects that the address at which Tacala was served is 4268 Cahaba Heights, Birmingham, Alabama 35243, an address that the court takes judicial notice of is in the State of Alabama. Because of a lack of subject-matter jurisdiction, defendants' motion will be granted by separate order.

DONE this 19th day of January, 2012.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE